

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

DEVAUGHN M. MCCOY

Plaintiff

v.

CASE NO. 1:17cv166-GHD-JMV

LEE CO. SHERIFF'S DEPARTMENT

Defendant

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

DEVAUGHN MARQUIS MCCOY

B. Name under which sentenced:

DEVAUGHN MCCOY

C. Inmate identification number:

5061

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

510 N. COMMERCE ST.

TUPELO, MS 38804

E. Place of confinement:

LEE CO. ADULT JAIL

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

JIM JOHNSON

Title (Superintendent, Sheriff, etc.):

SHERIFF

Defendant's mailing address (street or post office box number, city, state, ZIP)

510 N. COMMERCE ST.

TUPELO, MS 38804

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

PAGE 2

Name: BRIAN HALLTitle (Superintendent, Sheriff, etc.): CAPTAINDefendant's mailing address (street or  
post office box number, city, state, ZIP) 510 N. COMMERCE ST.  
TUPELO, MS 38804Name: JERRY JONESTitle (Superintendent, Sheriff, etc.): SENIOR OFFICERDefendant's mailing address (street or  
post office box number, city, state, ZIP) 510 N. COMMERCE ST.  
TUPELO, MS 38804

Name: \_\_\_\_\_

Title (Superintendent, Sheriff, etc.): \_\_\_\_\_

Defendant's mailing address (street or  
post office box number, city, state, ZIP) \_\_\_\_\_  
\_\_\_\_\_

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☐ Yes ☒ No

4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

## A. Parties to the lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

B. Court: \_\_\_\_\_

C. Docket No.: \_\_\_\_\_

D. Judge's Name: \_\_\_\_\_

E. Date suit filed: \_\_\_\_\_

F. Date decided: \_\_\_\_\_

G. Result (affirmed, reversed, etc.): \_\_\_\_\_

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☒ Yes ☐ No

6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). ☒ Yes ☐ No

7. If you checked "Yes" in Question 6, answer the following questions:

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

PAGE 3

A. Does the grievance system place a limit on the time within which a grievance must be presented?



Yes



No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed?



Yes



No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

ON 9.26.17 I FILED A INMATE COMPLAINT FORM ABOUT WHAT TOOK PLACE ON 9.25.17. THE SAME DAY I WROTE SHERIFF JIM JOHNSON PERSONALLY, STILL NO RESPONSE. I ALSO WROTE CAPTAIN BRIAN HALL ABOUT THE SAME COMPLAINT AND TOLD THEM BOTH THAT "I FEARED FOR MY LIFE," BECAUSE I DONT KNOW WHAT SENIOR OFFICER JONES WILL TRY AND DO TO ME FOR WRITING SEVERAL COMPLAINTS ON HIM.

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

I STILL HAVENT RECEIVED ANYTHING FROM SHERIFF JIM JOHNSON. CAPTAIN BRIAN HALL WROTE ME ON 2 COMPLAINT FORMS, "IF YOU FOLLOW RULES THEN YOU WANT HAVE ANY PROBLEMS. BUT HE STILL HAS NOT TOLD ME WHY WAS MY MAT TAKEN FOR THOSE HOURS. (COMPLAINTS ATTACHED TO NEXT PAGE.)



# Lee County/Tupelo Adult Jail

## INMATE COMPLAINT FORM

Inmates name: DEVAUGHN MCCOY

Date: 9.26.17

Location: POD: A, B, C, D, E, F, G, other \_\_\_\_\_

DETAILS OF COMPLAINT: Well on 9.25.17 at approx 6:30 a.m. I inmate McCoy  
was placed on lockdown because Sen. Ofc. Jones said my cell door was  
open this whole time he was in the tower. At approx. 9:30 p.m. on 9.25.17  
"live check" was being taken in place. Ofc. Jones came to my cell door E-07  
and told me to give him my mat, seat, and my blanket, because I did  
not get up and stand beside my door for live check. At approx. 10:30 p.m.  
everything was being shut-down; power, T.V, phones, and lights. Ofc. Jones  
did not bring me my mat. At approx. 3:00 a.m. on 9.26.17 Ofc. Jones attempted  
to take my mat.

Turned over to: \_\_\_\_\_  
(Name of Corrections Officer)

Date: \_\_\_\_\_

Inmates signature: Devaughn McCoy

Date: 9.26.17

Received by Shift Sergeant: Capt. Hall

Date action taken: 9.28.17

Disposition: You are suppose to get up for live check. Doesn't

matter if on lockdown. Officers tried giving you your mat  
back but you said Fuck it I don't want it. You have  
numerous write ups for fail to obey and disrespect of  
officers. Officer Jones is not only officer that has problem  
with you. Follow rules and you will not have problems.

Signature of Shift Sergeant: Capt. Hall

Date: 9.28.17



9.26.17

Greetings Mr. Brian Hall;

This is inmate DE'VAUGHN M. McCoy.

Well at approx. 6:30 p.m. on 9.25.17, I inmate McCoy was placed on lockdown because SEN.

OFC. JONES stated that my cell door was open for the whole time he had been in the tower.

At 9:30 p.m. on 9.25.17 SEN. OFC. JONES & OFC. POSEY was conducting their "live-check." By the time SEN. OFC. JONES & OFC. POSEY made it to my cell, my door was closed, because me and my roommate (COPE) thought that we where to stay in our cell. Well we were wrong, because when the two officers made it to my door, they woke me up and took my mat, sheet, and blanket. I ~~was~~ asked whats the reason and I was told because I didn't stand beside my door when they were conducting their "live-check."

O.K. SEN. OFC. JONES AND OFC. POSEY came to E-Pod and walked-thru several times and never brought my mat back to me. I woke up out of my sleep several times to press the "panic-button" but no-one came to see what I wanted.

I am in fear of my life because...

I don't know what SEN. OFC. JONES will  
try and do to me in "retaliation" of me  
writing this to you.



Barbara Freeman

Dgh Mcg

INMATE: DEVAUGHN M. MCCOY

Dgh Mcg

Oct 5, 2018

I answered this on a formal  
complaint form.

Capt.

Hale

9-28-17



CAPTAIN BRIAN HALL,

9.27.17

ON 9-26-17 I SPOKE WITH YOU ABOUT SENIOR  
OFC. JONES TAKING MY MAT, SHEET, & BLANKET. ON 9.25.17.  
LATER THAT NIGHT HE COMES TO WORK AND CREATES  
A HOSTILE CONDITON FOR ME BECAUSE I WROTE A  
COMPLAINT FORM ABOUT THE SITUATION. SO I FELT  
COMPEL TO WRITE YOU AGAIN. IM CONCERNED FOR MY  
SAFTEY, HE'S TELLING OTHER INMATES WHAT I'VE  
SPOKEN ABOUT ON MY COMPLAINT FORM, AND  
ABUSING HIS AUTHORITY TO AGONIZE ME BY  
TRYING TO TURN INMATES AGAINST ME TO CREATE  
A HOSTILE SITUATION SO I CAN END UP BACK IN  
LOCK-DOWN. THIS IS UNSCRUPULOUS BEHAVIOR ON  
HIS BEHALF. PLEASE CHECK INTO THIS, SEN. OFC. JONES  
WAS ALSO ASKING ME HOW'S MY NECK & BACK DOING,  
MAKING A JOKE OUT OF MY PAIN & SUFFERING.  
THANK YOU...



Barbara Freeman  
Oct 5, 2018

INMATE: DEVAUGHN MCCOY  
D. McCoy

I have spoke with Senior Officer Jones.  
Follow rules and you will have no problems.

Capt. Hall



# Lee County/Tupelo Adult Jail

## INMATE COMPLAINT FORM

Inmates name: DEVANGIN MCCOY

Date: 9.27.17

Location: POD: A, B, C, D, E, F, G, other \_\_\_\_\_

DETAILS OF COMPLAINT: ON 9-26-17 SEN. OFC. JONES COMED BACK IN

TELLING OTHER INMATES WHAT IVE SPOKEN ABOUT ON MY COMPLAINT  
FORM, AND ABUSING HIS AUTHORITY TO AGONIZE ME BY TRYING TO TURN  
INMATES AGAINST ME TO CREATE A HOSTILE SITUATION SO I CAN END  
UP BACK IN LOCKDOWN. THIS IS UNSCRUPULOUS BEHAVIOR ON  
HIS BEHALF.

Turned over to: S. Hall  
(Name of Corrections Officer)

Date: 9.27.17

Inmates signature: [Signature]

Date: 9.27.17

Received by Shift Sergeant: Capt. Hall

Date action taken: 9.28.17

Disposition: Follow rules and you will have no problems.

Signature of Shift Sergeant: Capt. Hall

Date: 9.28.17



**Special Note:** Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

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9. Write below, as briefly as possible, the facts of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

ON 9.25.17, I DEVAUGHN M. MCCOY, WAS MADE TO SLEEP ON A TOP-BUNK WITH NO MATTRESS, SHEET, OR BLANKET WHICH SENIOR OFFICER JERRY JONES & OFFICER POSEY TOOK FROM ME AT APPROX. 9:30 P.M. UNTIL 3 SOMETHING THE NEXT MORNING.

DUE TO THIS SENIOR OFFICER JONES & OFFICER POSEY'S CONDUCT I SUFFERED FROM CRUEL & UNUSUAL PUNISHMENT. BECAUSE OF ME SLEEPING ON AN EMPTY-BUNK, I HAD TO SEEK MEDICAL ATTENTION FOR MY NECK AND MY BACK.

ON 9.26.17 I SPOKE WITH CAPTAIN BRIAN HALL ABOUT MY SITUATION, HE TOLD ME TO LET HIM CHECK INTO IT. LATER THAT NIGHT SENIOR OFFICER JONES COMES BACK TO WORK TELLING OTHER INMATES ABOUT WHAT I WROTE TO THE CAPTAIN, MAKING MY LIVING CONDITIONS UNCOMFORTABLE. SENIOR OFFICER JONES WAS ALSO MAKING A JOKE OUT OF MY SITUATION, ASKING ME HOW'S MY NECK AND MY BACK. I WROTE SHERIFF JIM JOHNSON STILL NO RESPONSE.

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I WANT COMPENSATION FOR CRUEL & UNUSUAL PUNISHMENT AND UNSCRUPULOUS BEHAVIOR FROM SENIOR OFFICER JONES AND DURATION OF DUTY. I AM REQUESTING \$30,000 FOR MEDICAL BILLS, PAIN AND SUFFERING AND THE HOSTILE CONDITIONS I WAS SUBJECTED TO. IT TOOK A TOLL ON ME MENTALLY AND PHYSICALLY, SENIOR OFFICER JONES ABUSED HIS AUTHORITY.

This Complaint was executed at (location):

LEE CO. ADULT JAIL

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date:

10.2.17

  
Plaintiff's Signature



DEVAUGHN MCGOY

510 NORTH COMMERCE STREET

TUPELO, MS 38804

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RECEIVED

OCT 11 2017

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

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